

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/841,094

REMARKS

Claims 1-8 are the claims pending in the application.

Drawings

The Examiner has accepted the drawings filed on January 27, 2003. However, during a telephone interview with the undersigned on July 15, 2003, the Examiner indicated that the curved/buckled portion of the invention was not adequately illustrated in the current Figures. Therefore, Applicants submit herewith an additional Figure 5, which shows an enlarged view of the curved portion 3b of the invention.

Foreign Priority

The Examiner has not yet acknowledged Applicant's claim to foreign priority or indicated receipt of the certified copy of the Priority Document filed on April 25, 2001. However, during the telephone interview referenced above, the Examiner confirmed receipt of the certified copy of the Priority Document and indicated that such priority will be acknowledged in the next Office action.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. In particular, the Examiner indicates that "without bending" is not clear. During the July 15 telephone interview, the undersigned and Examiner agreed that "without bending" refers to the fact that the end of the truss brace which abuts the lower boom is not bent. The curve 3b to which the Examiner refers, is at the upper boom. Thus, this feature does not contradict the fact that the truss brace is attached to the lower boom without bending.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/841,094

Throughout the specification, the truss brace is described in parts, i.e., curved parts and straight parts, and thus, the part attached to the lower boom is straight, i.e., attached without bending.

Thus, Applicants respectfully request the Examiner to withdraw this objection.

Claims

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph. Applicants amend the claims to remove any ambiguities.

Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by DE 19711627.

Claim 7 is rejected under 35 U.S.C. § 102(b) as being anticipated by DE 19711627.

Claim 8 is rejected under 35 U.S.C. § 102(b) as being anticipated by DE 19711627.

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 19711627.

Analysis

In the prior art rejections, the Examiner asserts that the bending feature of the claims is a “method step”. However, the truss being attached without bending is not a method, but rather the status of the truss structure. In particular, the truss is not bent at the end attached to the lower boom member.

In contrast, the ‘627 reference is bent at those portions attached to the lower boom. In view of this clear distinction, claim 1, as well as each of the dependent claims 2-6, is patentable over ‘627.

Finally, with respect to claims 7 and 8, the Examiner appears to mistakenly refer to the ‘627 reference even though the comments correspond to Sheahan US ‘489. The following arguments are provided to distinguish claims 7 and 8 from either reference.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/841,094

Although Sheahan discloses that a straight part of the truss is attached to the lower boom, the truss is a continuous structure and thus, the end of the truss does not terminate at the lower boom. Thus, claims 7 and 8 are patentable over Sheahan.

Moreover, these claims are patentable over DE '627 for the same reasons discussed above. Namely, '627 discloses that the portions of the truss that attach to the lower boom are curved, and thus, do not satisfy the feature of the present invention of not being bent, i.e., straight, at the lower boom. Thus, claims 7 and 8 are patentable.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ellen R. Smith
Registration No. 43,042

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: July 18, 2003

Attorney Docket No.: Q63688